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ABSTRACT

This guide is designed to inform Illinois parents of children with disabilities about their childrens' educational rights and about special education services. Topics covered include: (1) steps to getting services, parent participation, and examples of modifications; (2) screening, referral, evaluation, and conference; (3) eligibility categories for special education; (4) the Individualized Education Program, placement considerations and conflict resolution; (5) student discipline, behavioral interventions, time out, in-school and out-of-school suspensions, and bus suspensions; (6) conflict resolution, complaint investigation, mediation, and due process hearings; (7) confidentiality of student records, information provided to divorced parents, challenging a child's records, and filing a complaint; (8) early childhood services, transition from early intervention, and referral; (9) educational surrogate parents; (10) Medicaid and confidentiality; (11) the State Advisory Council for the Education of Children with Disabilities; and (12) special education rules and regulations contained in the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The last three sections of the booklet contain sample letters, a parent dictionary, and legal and/or advocate information. (CR)

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A PARENTS' GUIDE

(Revised 1998)

THE EDUCATIONAL RIGHTS OF STUDENTS WITH DISABILITIES

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EC 307272

MEMORANDUM

TO: **Parents, Advocates, School Personnel and Others**

FROM: **Jack Shook, Division Administrator**
Division of Program Compliance
Illinois State Board of Education

DATE: **November 9, 1998**

SUBJECT: **A Parents' Guide: The Educational Rights of Students with Disabilities**

A Parent's Guide: The Educational Rights of Students with Disabilities is a document for parents and others to learn about the educational rights of children who have disabilities and receive special education services. This document was in the process of being revised when amendments were made to the Individuals with Disabilities Education Act (IDEA) in 1997. The amendments made changes that impact both Federal and state requirements.

We have been awaiting finalization of the new Federal and state rules in order to provide an accurate document. Unfortunately, this has taken much longer than anyone anticipated. Due to the large number of requests for parent information, we have revised the document to the best of our ability and are releasing it as a working draft. Please remember the following statement as you read through the document:

> As a result of the Individuals With Disabilities Education Act (IDEA) Reauthorization (P.L. 105-17), sections in this document are subject to change pending the finalization of Federal and state rules.

We will update the Parents' Guide as soon as possible after publication of final federal and state rules. However, that will be several months in the future. You are encouraged to use the current version until further notice. Your comments and suggestions for changes or improvements would be greatly appreciated. You may submit them to Donna Schertz, Division of Program Compliance, Illinois State Board of Education, 100 N. 1st Street, Springfield, IL 62777-0001. Questions about the specific information in the Parents' Guide can be directed to any of the special education program consultants in the Division of Program Compliance at 217/782-5589 (Springfield) or 312/814-5560 (Chicago).

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INTRODUCTION

This booklet is written for parents of children who have special education needs. The word "parent" includes anyone who has major responsibilities for the care and well-being of a child. If you are a person who has such responsibility - parent, grandparent, surrogate parent, foster parent - and you think your child has special education needs, you will want to read this booklet carefully. The booklet will answer many questions that you may have such as:

- Where can I find a good program for my child?
- What can I do to help?
- What are my rights?
- Is my child too young or too old for special services?
- Is this going to cost me a lot of money?

Before you read the full booklet, there are several things you should know:

- A Free Appropriate Public Education (FAPE) is required for all children with disabilities who are between the ages of 3 and 21 and who have not yet graduated from high school. Students with disabilities may attend school until receipt of a high school diploma or until the end of the school year of their 21st birthday, whichever is earlier.

- Special education and related services must begin on the child's third (3rd) birthday for children served in an early intervention program or for those children referred 60 school days before their third (3rd) birthday and found eligible. While it is not mandated that the school district provide direct services to children birth through the age of 2, the school district must identify, locate, and evaluate children of this age with known or suspected disabilities. When these children are identified by the local school district, a referral must be made, within 2 days, to the local Child and Family Connections (CFC) office. (See *Section 8* for more information on services for children ages 3 through 5.)

- You do not need to read the whole booklet at one time. Check the *Table of Contents* to find the parts you want or need to read.

- It is very helpful for you to keep records of your own. (See page 5 - Parental Involvement.)

- You are not alone. There are many resources available to you, starting with your local school district. See *Section 15* for additional resources.

As a result of the Individuals with Disabilities Education Act (IDEA) Reauthorization (P.L. 105-17), sections in this document are subject to change pending the finalization of Federal and state rules and regulations.

STEPS TO GETTING SERVICES

What Happens If My Child Is Having Trouble Learning in School?

If your child is having trouble in school, you should contact the teacher or principal to discuss your concerns. Some school districts have teams consisting of school personnel that review student problems and suggest academic and/or behavioral strategies in an attempt to change or improve student performance. Please be prepared to provide information that may be helpful to the team. This process does not preclude you from making a referral for special education. The chart below will guide you through the **special education process**.

	PARENT/GUARDIAN	SCHOOL DISTRICT
REFERRAL	• Make a referral, ***preferably written***, for a case study evaluation if you suspect a disability or believe that your child has significant learning problems. • Receive a copy of parent rights information (called Explanation of Procedural Safeguards). • Have questions answered. • Ask for information about advocacy groups or area parent support groups, if desired. • Give consent for evaluation. • If it is determined that no evaluation is needed, receive in writing the reasons for not conducting the evaluation.	• Make written referral for case study evaluation if child is suspected of having a disability. • Contact parent, explain referral process, and provide copy of procedural safeguards. • Obtain parental consent to evaluate. • If it is determined that no evaluation is needed, provide in writing reasons for not conducting the evaluation to parent or person who made the referral.
EVALUATION	• Provide information for evaluation process (e.g. medical, family, and educational history; perceptions of child's strengths and needs at home and in community). • Provide input in determining if additional data are needed. • Receive notification if no additional data are needed and the reasons for the determination.	• Collect information from parent, teacher, and others. • Review existing evaluation data and determine if additional data are needed. • Notify parent of determination if no additional data are needed and reasons for the determination. • Complete evaluation. • Summarize and interpret evaluation results.
BEFORE THE MEETING(S)	• Review procedural safeguards information. • Seek support, if needed. • Bring support person(s) to meetings, if needed. • Bring concerns, questions, and suggestions to meeting.	• Notify parent of meeting(s) and participants. • Determine mutually agreed on time and place for the meeting(s). • Provide a copy of procedural safeguards. • Arrange for appropriate school personnel to be present.

	PARENT/GUARDIAN	SCHOOL DISTRICT
DURING THE ELIGIBILITY MEETING	• Ask questions about evaluation results. • Share information about child's strengths and needs. • Contribute to the determination of eligibility and appropriate special education and related services and educational placement.	• Summarize and interpret evaluation results. • Determine eligibility for special education services. • Notify parent(s) of their right to an independent evaluation if there is a disagreement about the evaluation results. • Review procedural safeguards. • If child ***is not eligible*** for special education services: **Consider eligibility for services under Section 504, if appropriate;* **Determine appropriate modifications and/or interventions under Section 504, if appropriate (See Section 12).*
DURING THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETING	If child ***is eligible*** for special education services: • Share information about child. • Assist in development of goals and objectives/benchmarks. • Contribute to the determination of appropriate special education and related services to be provided. • Contribute to the determination of appropriate educational placement. • Give permission for child to receive special education and related services (initial placement only).	If child ***is eligible*** for special education services, develop IEP that will enable the child to be involved in and progress in the general curriculum which includes: • Child's strengths and needs, • Annual goals and short-term objectives/benchmarks, • Appropriate special education and related services, • Appropriate educational placement.
ANNUAL REVIEW ***(The IEP meeting that reviews the educational status and special education placement)***	• Gather school papers and other information that may be helpful at the meeting. • Review procedural safeguards. • Bring support person(s) to meeting, if desired. • Review current IEP goals and objectives. • Assist in development of new IEP goals and objectives.	• Notify parent of meeting and participants. • Provide copy of procedural safeguards. • Gather information on child's progress, including involvement and progress in the general curriculum. • Review current IEP. • Develop new IEP that will enable the child to be involved in and progress in the general curriculum. • Discuss extended school year services. • Discuss graduation, if appropriate.

	PARENT/GUARDIAN	SCHOOL DISTRICT
REEVALUATION	• Review procedural safeguards. • Give consent for reevaluation. • Provide input in determining if additional data are needed. • Receive notification if no additional data are needed and reasons for the determination. • Provide information for reevaluation process (e.g. medical, family and educational history; perceptions of child's strengths and needs at home and in community, progress during year). • Provide information from doctors or other professionals that might be helpful. • Request an evaluation sooner than three years, if you feel there is a change in your child's educational needs. • Contribute to the determination of eligibility, appropriate special education and related services and the educational placement.	• Notify parent that a three-year reevaluation needs to be done. • Explain reevaluation process. • Provide copy of procedural safeguards to parent. • Answer any questions. • Obtain parental consent. • Review existing evaluation data and determine if additional data are needed. • Notify parent of determination if no additional data are needed and reasons for the determination. • Ask for parent input in evaluation process. • Hold meeting to determine eligibility. • If child is eligible, hold IEP meeting and determine appropriate special education and related services and educational placement.

PARENTAL INVOLVEMENT

Both state and federal laws and regulations governing the administration of educational programs for students with disabilities have recognized the important role of parents in the special education process. It is important that you take an active role in the educational process. You and the school personnel should establish a positive relationship with shared goals and a common understanding of your child's needs at home, at school, and in the community. It is essential that you and the school district work cooperatively together.

To be an effective advocate for your child, you should:

- ✓ Be fully informed about the services available in or through your child's school,
- ✓ Know your child's special needs,
- ✓ Know your child's rights,
- ✓ Participate in the meetings to determine eligibility and the Individualized Education Program (IEP) meetings, and
- ✓ Ask questions and voice concerns when you are unsure of terms, language, the appropriateness of your child's program, the school's recommendations, etc.

In addition:

- ✓ Share letters, reports, or other materials that can help the school understand your child and provide appropriate services to your child. Be sure to keep a copy of these items for your records.
- ✓ Start a log or journal in which you record important dates and milestones of your child's program. This will also be a good place to record the results of important conversations and meetings you have had with teachers and others regarding your child's program.
- ✓ Keep all documents and correspondence from the school that you feel are important such as IEPs, samples of your child's work, notices regarding the dates of meetings, etc. Keep these documents with your journal.
- ✓ Develop an ongoing working relationship with those persons who are responsible for or provide services to your child. Get to know the names and responsibilities of all those working with your child.

Any questions or concerns you have may be answered and/or may be resolved by contacting your child's teacher, the school district, program administrator(s) or the district/cooperative director of special education. You are encouraged to be involved in every aspect of your child's educational program. You are your child's best advocate.

Parent participation in meetings

School districts are required to ensure your participation in the meetings to determine eligibility and plan your child's IEP. This means that the local school district must contact you in a timely manner to set a mutually convenient time to meet. They must also include you in the discussion about eligibility, the provision of special education and related services for your child, and where those services will be delivered.

To be an active participant in these meetings, you must be able to use effective communication skills such as good listening skills, assertive communication patterns, and respect for other's opinions and feelings. The following are general suggestions for establishing and maintaining an effective team atmosphere:

BE POSITIVE

Go to the meetings with a positive attitude.

BE PREPARED

Go to the meetings with specific ideas, suggestions and questions to ask.

BE DIRECT

Speak clearly and avoid vague statements or charges. If you have specific concerns, bring them up and let school personnel respond to your concerns.

BE CONFIDENT

Do not be intimidated. If terms or concepts are presented that you do not understand, ask for clarification.

BE CALM

Remain in control of your feelings. A team meeting can plan an effective instructional program when all participants are calm and no member is under attack.

BE INVOLVED

Take an equal and active role in the team. You may have information that is important to effective program development - do not be afraid to ask questions, to disagree with instructional or management suggestions, and to expect the team to treat you with respect.

Before the Meetings

- ❒ Review your child's school records, previous eligibility reports, IEPs and any other information you received from the school.
- ❒ Write down questions and concerns to discuss or any suggestions you have regarding special education and related services and/or the special education placement.

- ❒ Prepare a folder to take to the conference that contains: (a) information you want to share about your child; (b) questions, (c) paper on which to take notes, and (d) any other pertinent information.

- ❒ Decide whether your child should attend.

During the Meetings

- ❒ Introduce yourself and be introduced to all by name and job title.

- ❒ Maintain a positive attitude.

- ❒ Stay on task - remember the purpose of the conference and the scheduled time period.

- ❒ Take notes on discussions, recommendations, items to follow through on, and scheduled dates/appointments.

- ❒ Ask school personnel to explain terms, language or statements that are unclear.

- ❒ Set a regular time to contact the teacher to discuss your child's progress.

- ❒ Provide school personnel with praise when you are pleased with their efforts.

After the Meetings

- ❒ Put items on the calendar that you agreed to follow through on.

- ❒ Add documents from the conference to your files.

- ❒ Contact the teacher periodically to see how the program is going.

EXAMPLES OF CURRICULAR, ENVIRONMENTAL, AND BEHAVIORAL MODIFICATIONS

This chart provides examples of curricular, environmental, and behavioral modifications/ interventions that may be useful for improving your child's performance in school. If specific interventions are required for your child, they should be documented in the IEP. The chart is meant to provide some examples but is not an exhaustive list.

Curricular Modifications	Environmental Modifications	Behavioral Interventions
- tape lessons or instructions for student	- change the student's seat assignment	- establish home-school communication system
- simplify vocabulary of test items, practice sheets	- assign preferential seating	- post rules and consequences for behavior
- provide tests in segments	- post class routine	- put student on daily/weekly progress report
- provide visual or memory aids such as number lines, formulas, pictures, and charts	- move location of classroom supplies to minimize distractions	- keep graphs, charts, or calendars of student progress
- highlight main ideas and supporting details in text	- assign student a study partner	- establish contingency contracts
- provide study outlines and guides	- provide one-on-one tutoring	- establish verbal or nonverbal signals to monitor behavior (winks, hand signals, etc.)
- reduce quantity of materials to be read	- use small group instruction	- move closer to student to monitor behavior
- have student keep an assignment notebook	- provide a monitoring buddy	- establish a list of reinforcers for student
- provide a sample or practice test	- establish time expectations for assignment completion	- offer social reinforcers (hugs, praise, winks)
- provide opportunities for extra drill	- provide verbal cues to indicate beginning and ending instructional time	- offer tangible reinforcers (points, tokens, stickers)
- use special supplementary material	- provide visual, tactile, or auditory prompts to indicate appropriate behavior	- provide immediate reinforcement for correct responses
- provide text written at student's reading level		- implement a token or point system
- provide self-checking materials		- implement a self-recording of behavior
- provide immediate correction of errors		
- teach learning strategies		

SCREENING

Each school district is responsible for actively locating, identifying and evaluating all children with disabilities who live within the district boundaries, are between the ages of birth and 21, and may be eligible for special education and related services

The special education regulations, 23 Illinois Administrative Code Part 226, define screening as *the process of reviewing **all** children in a given group with a **set of criteria** for the purpose of identifying certain individuals for evaluations who may be in need of special education.* All school districts are required to have written procedures for actively locating, identifying and evaluating children who might need special education and related services, including all school children attending private, charter, and/or religiously affiliated schools.

These procedures must describe activities for:

- locating, identifying and evaluating children, birth through 2 years of age *(The local school district is not required to actually conduct the evaluations, but must ensure that they are carried out at no cost to the parent.);*
- annual screening of children ages birth to five to identify those who may need special education services to maintain satisfactory educational performance;
- speech and language screening for every child upon initial enrollment in an Illinois public school;
- annual screening of all children in regular education classes; and
- annual vision and hearing screening of all students with disabilities.

One purpose of screening is to locate children, birth through age 21, who may need special education services to maintain satisfactory educational performance. No child can be determined eligible to receive special education and related services based only on the results of a screening procedure.

Screening is different from evaluation. Screening means reviewing all children in a given group (all kindergartners, all students who are new to the school district, all 3-year-old children in the community, etc.). It is not specific to an individual child. All children in the group must be screened with the same assessment process. Screening does not involve administration of assessment instruments which would be used in a case study evaluation.

The district must inform the public of the process for conducting group screening through school handbooks, newsletters, child find activities, letters, or similar methods. Written parent/guardian permission is not required for this type of screening. Screening results should be shared with the parents/guardians.

Screening is done only to determine those students in need of or not in need of an evaluation. When a student is identified through screening as needing to be referred for evaluation, the date of the decision to initiate an evaluation is the date that begins the 60-school-day process as described in the **Referral** section that follows.

REFERRAL

Making a Referral

If you believe your child is experiencing educationally related problems and alternative intervention strategies have not been successful, you should make a referral for a case study evaluation. To make a referral for a case study evaluation, you should contact your child's building principal, local school district superintendent, or any school official. A referral may also be initiated at anytime through coordination with early intervention programs, as a result of a screening, or concern of school personnel. While a referral may be made verbally, you should make the referral in writing, date it, and indicate the reasons for your concerns. Written referrals are easier to document than verbal ones. Be sure to keep a copy of your request for your own records.

Determining Whether To Conduct an Evaluation

Each district must have a procedure in place for determining whether or not to conduct a case study evaluation. This procedure must include notifying the parents of the date the referral was made and the reasons for the referral. Not all referrals result in a case study evaluation being conducted. If the district determines that the case study evaluation is not necessary, it must notify you in writing of its decision not to evaluate and the reasons for the decision. The district must advise you of your right to request a due process hearing to challenge its decision. A referral for a case study evaluation does not necessarily mean that your child has a disability which interferes with educational performance. It signals that your child is having educationally related difficulties and that the person making the referral is concerned that the problem may be due to a disability.

CASE STUDY EVALUATION

Parental Consent

If, after reviewing the referral information, the district determines that a case study evaluation is appropriate, your written consent must be obtained to proceed with the evaluation. A request for your consent should not be misinterpreted as a decision that your child has a disability. It is important that you fully understand the reasons for the case study evaluation and support the district's decision to conduct the evaluation.

If you disagree with the district's decision to evaluate your child and you do not give written consent, the district may request a due process hearing. If the district requests a due process hearing, an impartial hearing officer will determine if the evaluation is necessary. In the case of a reevaluation for which you do not give your consent, the district must prevail in a due process hearing in order to conduct a case study evaluation (see - Reevaluations).

The Illinois State Board of Education has developed consent forms that all districts must use. These mandated forms indicate the reason(s) the evaluation has been requested, the evaluation components, a description of the evaluation procedures, and your rights regarding special education.

Timelines

Once your child has been referred for a case study evaluation, the local school district has sixty (60) school days (at least 3 months) to complete the evaluation and hold a conference to determine if your child has an educational disability. The 60-school-day timeline begins the day the written or verbal referral is made. If your child is referred for an evaluation with fewer than 60 pupil attendance days left in the school year, the evaluation and eligibility determination must be made prior to the first day of the following school year.

If your child has an Individualized Family Service Plan (IFSP) developed by an early intervention program and is made known to the school district at least six months prior to his/her third birthdate, the IFSP or an IEP must be implemented on the third birthday. If your child turns three at the end of the school year or during the summer months, he/she would receive extended school year services, if needed and as indicated by the IEP.

Mode of Communication

Your child must be evaluated in his/her primary language/mode of communication by qualified personnel. All communication about your child's educational needs must be provided to you in your primary language and mode of communication. If you require the use of an interpreter or other communication accommodation, you should notify the school district as soon as possible. Your child's language-use pattern, cultural background, mode of communication and proficiency in English must be determined prior to the case study evaluation.

Components

The special education rules define a case study evaluation at 23 Illinois Administrative Code 226.5 as *a series of in-depth multidisciplinary diagnostic procedures, conducted within an established time frame (60-school-days) and designed to provide information about the child, the nature of the problems which are or will be affecting his/her educational development, and the type of intervention and assistance needed to alleviate these problems.*

Your child will be evaluated in all areas related to his/her suspected disability, including, if appropriate:

- academic performance
- general intelligence
- hearing
- social and emotional status
- communication status
- health
- motor abilities
- vision

The IEP team and other qualified personnel will review existing evaluation data for your child as a part of an initial evaluation (if appropriate) and as a part of any reevaluation. Evaluation data may include, but is not limited to, classroom-based assessments, teacher observations, and information provided by you. This review, along with your input, will identify if any additional data are needed in order to determine (1) whether your child has a disability; (2) your child's present levels of performance; (3) whether your child needs special education and related services; and (4) whether any modifications are needed for your child to participate in the general curriculum and to meet his/her goals and objectives/benchmarks.

If additional data are needed, the tests and assessments will be completed and the team, including you, will meet to determine eligibility. If additional data is not needed, the school district will notify you of the reason(s) for the determination and of your right to request an assessment to determine whether or not your child has or continues to have a disability. The team will meet to determine eligibility based upon the existing data and results of the evaluation. The district will send you an official notice with the proposed conference time, date and place and a list of the people invited to the conference.

CONFERENCE

Once the case study evaluation has been completed, you, along with a team of qualified professionals, will meet to interpret the evaluation data. This interpretation will determine (1) if your child has a disability; (2) if the disability is having an adverse affect on your child's education; and (3) whether special education and related services are needed. The district must notify you at least 10 days prior to the meeting of the scheduled date, time and purpose. If you cannot attend, the district must attempt to reschedule the meeting at a mutually agreed upon time and date.

If it is difficult for you to attend, you should notify the school as soon as you receive notice of the meeting. The school must use other methods to ensure your participation such as conference telephone calls or visits to your home and place of employment. In addition, the district must provide interpreters at the meeting if you have a hearing impairment or do not speak or understand English. A meeting may be conducted without you in attendance if the school district has a record of attempts made to mutually arrange a time and place but is unable to obtain your participation.

Reasons for Convening

Purposes for convening this conference are to:

- discuss the results of your child's case study evaluation;
- consider any independent educational evaluations that may have been conducted;
- determine your child's eligibility (or change in eligibility) for special education and related services;
- recommend discontinuing special education (including students who return full time to regular education and students who complete special education programs); or
- determine the relationship, if any, between the student's actions and his/her disabling condition(s) in relation to your district's disciplinary code.

Conference Summary Report

A conference report must be written during the meeting which lists the conference participants, the conditions that would affect educational performance, and the conclusions reached regarding eligibility for special education and related services. A copy of this report must be given to you at the end of the meeting. If you disagree with the determination(s) made at this meeting, you may challenge the district's decision by requesting a due process hearing (see *Section 6* Conflict Resolution for Parents of Students with Disabilities).

If your child is determined not eligible for special education and related services at the eligibility conference, he or she may still be eligible for services under Section 504 of the Rehabilitation Act. (See *Section 12* for more information on Section 504.)

INDEPENDENT EDUCATIONAL EVALUATION

Public Expense

You have the right to request an independent educational evaluation at public expense when you disagree with the evaluation conducted or obtained by your local school district. Your request must be made in writing (and dated) to the district superintendent. The district then has five (5) school days to respond to your request.

- If the district **agrees** with your request, the independent evaluation must be completed within 30 calendar days and a meeting convened to consider the results. You and the district may agree to extend this timeline.

- If the district **denies** your request, the district must state its reasons for the denial and demonstrate at a due process hearing that its evaluation is appropriate.

The required credentials a person must have in order to conduct an independent educational evaluation are listed in the special education regulations at 23 Illinois Administrative Code 226.544. The district must maintain and provide to you, upon request, a listing of independent evaluators.

Private Expense

You always have the right to obtain an independent evaluation, but not necessarily at public expense. Whether you obtain an independent educational evaluation at public expense or at your own expense, the district must consider the results of **all** independent evaluations at a conference.

REEVALUATION

State and federal laws require all children with disabilities who are receiving special education and related services to be reevaluated every three years or more frequently if necessary. Your written consent is required for all reevaluations. The district **must** request a due process hearing when you do not provide written consent to conduct a reevaluation within 10 calendar days of the date of request.

The purpose of the three-year reevaluation is to determine if your child continues to be eligible for special education and related services or if your child is anticipated to graduate from high school. The reevaluation will address all areas related to his/her suspected disability. After a child is reevaluated, his/her individualized education program must also be reviewed and revised, if necessary, to reflect current programming needs.

If your child has been receiving special education services, but you believe that his/her program needs to be changed, it is sometimes useful to obtain a reevaluation before the three

year reevaluation is due. Your request for a reevaluation should be made in writing and given to your building principal or your child's teacher as discussed in Making a Referral in *Section 2*. Be sure to keep a copy of your request for your own records. If the district decides not to conduct the reevaluation, they must notify you in writing of their decision not to conduct the reevaluation and advise you of your right to a due process hearing.

ELIGIBILITY CATEGORIES FOR SPECIAL EDUCATION

Under IDEA, a child with a disability may have a physical, emotional, learning, or behavioral problem that is educationally related and requires special education and related services. Below are definitions of each of the categories for which a child may be eligible. Federal definitions for each area may be found at 34 Code of Federal Regulations (CFR) 300.7 and state definitions may be found at 23 Illinois Administrative Code 226.552. Your child must meet all the requirements listed in the Illinois State Board of Education Rules and Regulations for Special Education.

Categories

Autism

Autism is a developmental delay that generally appears before the age of three and significantly affects verbal and nonverbal communication and social interaction. Children with autism may have significant differences in the ability to do some or all of the following:

- use and/or process meaningful spoken language and nonverbal communication cues;
- relate to people and be aware of their feelings;
- actively engage in social play and make peer friendships;
- develop a variety of activities or interests; and
- handle changes in routines or the environment.

The disability can affect broad areas of educational performance ranging from academic to social to behavioral. It can occur with other disabilities, but does not apply if a child's educational performance is adversely affected primarily because of the existence of an emotional/behavioral disorder.

Deaf-Blindness

The combination of hearing and visual impairments causes such severe communication and other developmental and educational problems that the child cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Developmental Delay

A preschool child may be declared eligible for special education services under the category of developmental delay. This category can only be used for young children, ages 3 through 5, who meet the criteria of one or more of the other disability categories and who are experiencing delay in at least one of the following areas: physical development, cognitive development, communication development, social and emotional development, or adaptive development. The child must be determined eligible for

special education under one of the IDEA special education categories in order to apply the developmentally delayed category.

Emotional/Behavioral Disorder

A diagnosis of emotional disorder/ behavioral disorder means that the child exhibits one or more of the following characteristics to a marked degree and over an extended period of time:

- difficulties in learning that cannot be explained by intellectual, sensory, or health impairments;
- problems relating to children and adults;
- inappropriate types of behavior or feelings under normal circumstances;
- a general mood of unhappiness and depression;
- a tendency to develop physical symptoms, pains, or fears associated with personal or social problems.

There should be evidence that the child's behavior is not the result of a temporary reaction to home, school, or community situations.

Hearing Impairment

Hearing impairment includes any degree of hearing loss ranging from mild to profound resulting in a diagnosis of hard of hearing or deaf. Hearing loss for hard of hearing can be either permanent or fluctuating. Hearing loss must be confirmed by a certified audiologist and the school district must complete an evaluation to determine how the loss affects the child in school. A child with a hearing loss often has problems learning and using language which can affect many or all areas of performance, including academic subjects as well as social development.

Children with identical hearing levels can function differently. The child's evaluation team and IEP team should include someone who is familiar with the needs of children with hearing impairments.

Mental Impairment

A child who is diagnosed with mental impairment typically learns at a rate below other children of the same age. Language, adaptive behavior (learning, social, daily living skills), and other skills are markedly delayed. Such mental impairment may be mild, moderate, severe, or profound.

Multiple Impairment

The school may diagnose a child as having multiple disabilities if they occur in combination with each other, cause severe educational problems, and cannot be accommodated in special education programs solely for one of the impairments. Examples of such combinations are physically impaired/mentally impaired; physically

impaired/visually impaired; and hearing impaired/mentally impaired. The term does not include deaf-blindness.

Orthopedic Impairment

An orthopedic impairment that adversely affects a child's educational performance may be caused by congenital anomaly (e.g., clubfoot), impairments caused by disease (e.g., bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations).

Other Health Impaired

A child may be diagnosed as other health impaired if there is a medically diagnosed physical or physiological condition, including but not limited to a seizure disorder, asthma, or diabetes, that causes educationally related problems. The disability interferes with the student's ability to function at school using traditional instructional materials and techniques.

Specific Learning Disability

A child who has a learning disability may have a disorder in one or more of the processes needed to receive, understand, or express information (psychological processing). As a result, the child may have difficulty in one or more of the following:

- Basic reading skills
- Reading comprehension
- Written expression
- Mathematics calculation
- Listening comprehension
- Oral expression

Children with learning disabilities show a significant difference between ability and achievement. The learning disability, then, is not primarily due to a physical, mental or emotional disability nor to environmental, cultural or economic factors.

Speech and/or Language Impairment

A child with a speech impairment has problems with the mechanics of speech production when speech is the primary way of communicating. Speech problems may occur with voice (pitch, intensity or quality), fluency (the flow of speech) or articulation (the way sounds are made). The disorder affects how others understand your child's speech.

A child with a language impairment has difficulty in understanding or expressing gestural (signs/mannerisms that express ideas), spoken, or written ideas. The disability may involve sounds or sound combinations, forming words, or putting words together in sentences. It may involve the meaning of words and combination of words. It may involve the function of language in communication. The disorder can affect school functioning through listening, speaking, reading, and/or writing activities.

Traumatic Brain Injury

A child with a traumatic brain injury has had a sudden injury to the brain. This injury has been caused by an external event resulting in total or partial functional disability or psychological and social problems that affect educational performance. The term includes open or closed head injuries.

A child with traumatic brain injury may experience problems with vision (blurred or doubled), hearing, health or motor skills, thinking or functional living skills, learning, speech or language functions, or inappropriate or impulsive behaviors. Parents are encouraged to contact their local school district as soon as possible after a head injury occurs so the district can begin planning for the child's return to school.

Visual Impairment and Blindness

Visual impairment includes any type of sight problem which, even with glasses/contacts, adversely affects school performance. Children with visual impairments can be further described as partially sighted or blind based on the degree of visual impairment and their educational needs.

INDIVIDUALIZED EDUCATION PROGRAM

Definition

The ***individualized education program (IEP)*** is a written plan describing the provision of special education and related services for a student with a disability. This written document describes your child and what you and the school will do to give your child the extra help and attention needed. Since parents help to write IEPs for their children, it is important that you know what goes into an IEP. You should also understand what will happen at IEP meetings and what will happen after the IEP is written.

Once you and the other members of the eligibility conference decide that your child is eligible and special education services are needed, an IEP must be developed. The IEP may be completed immediately following the eligibility conference or a second meeting may be held to develop, review, or revise the IEP. The IEP meeting must occur within 30 days of the determination of your child's eligibility for special education and no more than 60 school days from the date of the referral.

Content

The IEP describes what your child can already do and what he/she needs to learn for the next year. It lists the special help your child will receive in order to learn. The IEP team must consider:

- **Your child's strengths and your concerns about your child's education and**
- **The results of the initial or most recent evaluation.**

Your child's IEP must include these things:

- **Present level of educational performance**
  (descriptions of what your child can do, what he/she knows and how the disability affects your child's progress in the general curriculum)
- **Annual goals**
  (statements of what your child needs to learn and should be able to learn over the next year in order to be involved in and progress in the general curriculum)
- **Short-term instructional objectives/benchmarks**
  (small steps that your child must learn or accomplish in order to reach the annual goals)
- **Appropriate objective criteria, evaluation procedures, and a schedule for determining achievement of short-term objectives**
  (how and when the district will measure your child's progress on the objectives and how you will be regularly informed)

- **Specific special education and related services and a statement of program modifications or supports for school personnel**
  (special services your child will have to support his/her education)

- **Beginning date, frequency, location and anticipated duration of services and modifications**
  (when your child will begin receiving special services, the length of time your child will need the program or services during that school year, the anticipated frequency of the services, and location of services)

- **Extent of participation in regular education programs**
  (explanation of your child's lack of participation, if any, in academic, nonacademic and extracurricular programs)

- **Language(s) or mode(s) of communication**
  (how special education and related services will be provided, if other than or in addition to English)

- **Participation in assessments**
  (what accommodations are necessary, if any, for your child to participate in State or district-wide assessments or if the assessments are not appropriate, how your child will be assessed)

In addition:

(If needed based upon the evaluation results and input from school personnel, your child's IEP ***MAY INCLUDE*** the following information)

- **Adapted Physical Education** - for students who can not participate in a regular physical education program because of their disabilities, a description of the specially designed physical education services.

- **Assistive Technology** - for students with physical impairments or other disabilities who require special equipment to participate in school. Assistive technology is an item, device or service that helps a child with a disability benefit from his/her educational program. It may be a product that is already available or one that is designed or modified to increase, maintain, or improve functional ability. It includes an evaluation of your child and training in the use of the device that can be extended to family members. Information regarding the provision of assistive technology must be documented in the IEP, including an educational need for use at home and repairs necessary to ensure a working device. Access to these devices can significantly change how your child learns and interacts with others. *(For more information regarding assistive technology, you may contact the Illinois Assistive Technology Project at 800/852-5110.)*

- **Behavior Management Plan** - for students with disabilities who have behavior problems that interfere with their learning or the learning of others. It should be based on your child's behavior and describe the interventions to be used, including

positive behavioral interventions, methods of evaluation, and provisions for coordinating the plan with you.

- **Extended School Year Services** - for eligible students, the type and length of the school program must appear on the IEP. Extended school year services for students with disabilities is not the same as regular or remedial summer school. The need for extended school year services must be decided at an IEP meeting and based on your child's individual needs, the anticipated degree of learning lost by your child over the summer, the projected length of time necessary to relearn skills or information, and your child's progress in relation to his/her behavior and/or social/emotional needs. If you think your child needs extended school year services, you should request an IEP meeting.

  Your child may attend a regular or remedial summer school program if he/she meets the local district eligibility criteria established for all students seeking admittance to the program and can benefit from the program. If your child meets the eligibility requirements, he/she can not be excluded due to his/her disability.

- **Graduation Planning-** for all students, prior to the expected graduation. The IEP must address the anticipated date of graduation from high school and the type of diploma to be issued. Special education services end following the granting of a high school diploma. You may request a review of the recommendation for graduation if, in your opinion, your child has not reached a satisfactory level of achievement.

- **Home-Based Support** - for students who may be eligible to participate in the Home-Based Support Services Program for Mentally Disabled Adults funded through the Department of Mental Health and Developmental Disabilities (DMHDD). These students have severe autism, severe mental illness, severe or profound mental retardation, or severe and multiple impairments **and** have reached age 18 and no longer receive special education services. The school district will inform you of the existence of the Home-Based Support program. The IEP must document plans for:
  (a) determining the student's eligibility for home-based services,
  (b) enrolling the student in the home-based service program, and
  (c) developing a plan for the student's most effective use of home-based services.

- **Special Transportation** - for students requiring transportation to participate in their educational programs. The IEP team must document any special transportation needs and modifications on the IEP as a related service. The school district is responsible for providing the special transportation necessary for your child to participate in his/her education program. Transportation services must be provided in a way that ensures students with disabilities receive a full instructional day and every effort should be made to limit travel time to no more than one hour each way. ***Necessary transportation must be provided by the district to allow a student to serve a detention.***

- **Transfer of Rights** - for students who will reach the age of seventeen during the school year for which an IEP will be in effect. The IEP must document that the

student has been informed of his/her rights under the Individuals with Disabilities Education Act, if any, that will transfer to the student upon reaching the age of eighteen.

✦ **Transition Services** - for each student who will reach the age of 14 during the school year and for younger students if determined appropriate, the IEP must document a statement of transition service needs that focuses on the student's course of study. Courses should reflect the student's preferences and interests and address post-school outcomes.

For students who will reach the age of 14 1/2 during the school year and for younger students if determined appropriate, the following must be documented in the IEP:

- a statement of goals for life after graduation from high school in the areas of employment, post-secondary education, and community living alternatives;
- a statement of any needed transition services that are in addition to the current education program;
- a statement of each participating agency's responsibilities for providing needed services; and
- if it is determined that services in one or more areas are not needed, a statement to that effect and the reasons for the determination.

Participants

Your participation at the IEP meeting is very important. The school district will send you a written notice at least 10 days before the proposed date of the IEP meeting. The notice will tell the time, date, location, the purpose of the meeting, and who will attend. If you can not attend the IEP meeting, you should let the district know so the meeting can be rescheduled at a mutually convenient time. If it is not possible for you to attend, the district must try to secure your participation, at least two more times, by other means such as telephone conference calls or visits to the home and your place of employment. A meeting may be conducted without you in attendance if the school district has a record of attempts made to mutually arrange a time and place, but is unable to obtain your participation.

Participants in the IEP meeting must include:

✓ you, the parent, unless you have chosen not to attend;

✓ at least one regular education teacher if your child is or may be participating in the regular education environment. This should be the person who is, or may, be responsible for implementing your child's IEP. The teacher can participate in the discussion about how best to teach your child, including determining appropriate positive behavioral interventions, modifications and supports for school personnel, if appropriate;

If your child is suspected of having a learning disability, this includes a regular education classroom teacher qualified to teach a child of his/her age (if the child

does not have a regular teacher) or an individual qualified to teach a child of his/her age (if your child is less than school age).

- ✓ at least one special education teacher, or if appropriate, at least one special education service provider of the child. This should be the person who is, or may, be responsible for implementing your child's IEP;
- ✓ a representative of the local school district, other than your child's teacher, who is qualified to provide or supervise the provision of specially designed instruction, is knowledgeable about the general curriculum, is knowledgeable about the availability of resources, and has the authority to commit services;
- ✓ an individual who can interpret the instructional implications of the evaluation results (may already be a member of the team);
- ✓ your child, when appropriate or requested by you;
- ✓ a qualified bilingual specialist or bilingual teacher, if needed;
- ✓ an interpreter if you are hearing impaired or do not speak or understand English fluently, if necessary;
- ✓ a representative of any other agency that is likely to be responsible for providing any transition services;
- ✓ other individuals at your discretion or the district's who have knowledge and expertise regarding your child. If your child's behavior impedes his/her learning or the learning of others, a person knowledgeable about positive behavioral strategies;
- ✓ when developing the initial IEP, a member of the evaluation team; and
- ✓ a representative of a non-public special education facility, if possible, when considering placement in a day or residential facility.

It is important that all participants are in attendance. If all participants are unable to attend, you may request the IEP meeting be rescheduled.

Consent for Placement

Your written consent is required for your child's **initial** placement in a special education program. Any significant changes in your child's placement must be determined at an IEP meeting. You must be notified of all eligibility and IEP meetings and you are strongly encouraged to participate. However, the district does not need your consent if the IEP team and other qualified personnel, if appropriate, decide to change your child's placement, services, or eligibility status. Your signature on the IEP is only a record of your attendance, NOT your permission for the IEP to be implemented. If you disagree with the IEP, you may challenge the district's decision by requesting a due process hearing (see *Section 6* Conflict Resolution).

Placement Considerations/Least Restrictive Environment

Your child must be educated in the least restrictive environment. He/She should be placed in the educational program which is appropriate to his/her needs and is least restrictive of his/her interaction with nondisabled students. Free appropriate public education (FAPE) includes three general areas: general education, nonacademic activities and extracurricular activities. To exclude your child from any of these three without following procedural safeguards would be a denial of a free appropriate public education.

- There will be a place on the IEP to describe the extent that your child will not participate with his/her nondisabled peers. The school district must provide your child equal access to nonacademic and extracurricular services. Your participation in a field trip or any other nonacademic or extracurricular activity can not be a condition for your child's participation.

- Your child should be placed in the school he/she would attend if not disabled, unless the nature and severity of the disability is such that instruction in the local school is not appropriate. If instruction at the local school is not possible, placement in an age-appropriate setting as close as possible to your child's home should be considered. The nature, severity, and/or complexity of your child's disability may require placement in a special class or separate school. Your child is entitled to programs and facilities that are physically accessible (without architectural barriers).

- The local school district is required, by law, to either provide an appropriate program within its own district or contract with another district or agency to provide services to students with special needs. Therefore, your child may be provided services at another school district or education agency at the expense of the local school district.

- If the IEP team determines that your child's educational needs cannot be met through a public school special education program, the school district must provide an appropriate placement in a state-operated facility or in a non-public special education facility. Public funds will pay for your child's tuition at a non-public special education facility if the IEP team determines it to be the appropriate, least restrictive environment.

- If your child is deaf, you have the right to make a direct referral for admission to the Illinois School for the Deaf located in Jacksonville, Illinois. If your child is blind, you have the right to make a direct referral for admission to the Illinois School for the Visually Impaired also located in Jacksonville, Illinois.

Education placement decisions are made based on your child's needs and may include the following locations *(this is not an exhaustive list)*:

- regular education
- resource room
- self-contained room
- separate day school
- residential program
- hospital/homebound program

Funding concerns cannot be used as an excuse for not providing appropriate programs or services. If funding is a problem, your local school district must explore other ways of serving your child.

Mode of Communication

Some children with disabilities speak a language other than English. These children have the right to receive instructional services to help them learn the English language. If your child has been identified as having a disability that adversely affects educational performance and does not speak English fluently, he/she must have access to bilingual programs, English as a second language (ESL) programs, and related services available in the district. These educational services must be adapted to meet the specific needs of your child and must be documented in his/her IEP.

Annual Review

An Individualized Education Program (IEP) can be in effect for up to one calendar year. Near the end of that year another conference will be held to review your child's education and to develop an IEP for the coming year. This conference referred to as an Annual Review is for the purposes of:

- reviewing the educational status of your child and his/her involvement and progress in the general curriculum;
- determining the extent to which your child has met his/her goals and objectives/benchmarks;
- developing new goals and objectives/benchmarks;
- determining if further evaluation is needed; and
- addressing the continued special education placement of your child.

Additional Review

In addition to the annual review, either you or the school district may, at any time, request that the IEP meeting be reconvened to address the special education needs and services of your child. A sample letter for your use in requesting an IEP meeting is included in *Section 13*.

Conflict Resolution

You may disagree with the program and services that the IEP participants propose for your child, or you may want the IEP to contain a program or service that school officials will not agree to provide for your child. While at the meeting, you should explain what you want or what you do not want to appear in the IEP and the reasons why. Take each issue one at a time. If you and the rest of the team can not agree, move on to the next issue. You should try to get the IEP as close as possible to what you want during the IEP meeting.

If you are not satisfied with the final IEP, you have the right to request mediation and/or a due process hearing to resolve your concerns. (For more information, refer to *Section 6*).

STUDENT DISCIPLINE

School safety starts with the commitment of every student to take full responsibility for his or her own safety and the safety of others. This commitment to personal responsibility is important to ensure that students are educated in a safe school. For any student who misbehaves, a school district should decide what action is most likely to change the behavior. For a student receiving special education and related services, this decision must take into account the student's disability.

Behavioral Interventions

All school districts are required to have policies and procedures for students with disabilities who require behavioral interventions. The policies and procedures should include, but not be limited to:

(a) an emphasis on positive interventions;
(b) procedures and methods consistent with generally accepted practice in the field of behavioral interventions;
(c) criteria for determining when a student with disabilities may require a behavioral intervention/management plan;
(d) procedures for developing a behavioral intervention/management plan and its inclusion in the IEP;
(e) provision for staff training and professional development; and
(f) provision for parent involvement.

It is required that districts furnish a copy of their local policies annually to parents or guardians of all students with IEPs and make available, upon request, a copy of local procedures. Refer to your local school district policies and procedures for determining when the use of restrictive interventions, including suspensions, will trigger the development of a behavioral intervention/management plan. For a copy of the *Behavioral Intervention in Schools: Guidelines for Development of District Policies for Students with Disabilities* developed by the Illinois State Board of Education, you may contact 217/782-4321.

Time Out

If "time out" is used as a method to control behavior, it should be used only after ***(a)*** a functional analysis of behavior has been completed and documented and ***(b)*** a behavior management plan has been developed at an IEP meeting. Time out may be used in emergency situations when less restrictive interventions have been attempted unsuccessfully.

Time out rooms must permit unobstructed passage at all times. Exit from a time out room may be restricted by staff holding the door to the room shut, a mechanical device, or by latch-locks so that when the person's hand is removed from the door handle or key, the door unlocks and the student is able to easily and readily open the door from the inside.

In-School Suspension

An in-school suspension is served on the school premises. A student is not considered suspended when the nature and quality of the educational program and services provided during the in-school suspension are comparable to the nature and quality of the educational program and services required in the IEP and provided to the student in the current placement.

Out-of-School Suspensions

School officials cannot suspend a student receiving special education services for more than ten (10) **cumulative** days in a school year. Any exclusion of a student with a disability for more than the ten days may constitute a significant change in placement and the following steps must occur:

- A meeting must be convened to determine whether the student's behavior was related to his/her disability (manifestation determination review). This meeting must be conducted by the IEP team and other necessary qualified personnel. If it is determined that the behavior was not related to the student's disability, the student may be excluded from school for more than ten school days, provided that the child receives a free appropriate public education during the removal period. An IEP must be developed to document the change of placement and/or services.

  If it is determined that the behavior was related to the student's disability, the student may not be excluded for more than the ten school days. The behavior, then, may be addressed through other appropriate behavioral intervention strategies. The school district may want to review the special education and related services and current placement of the student.

- Proper notification must be provided to the parent(s) regarding the conference and must include an explanation of procedural safeguards and due process rights.

The school district has the option to seek a court order to remove the student from school or to change the placement, if it believes that maintaining the student in the current educational placement is likely to cause injury to the student or others.

A school district may make an immediate interim change of placement, up to 45 calendar days, for students with disabilities who bring weapons to school or possess, use, or sell illegal drugs. The interim alternative setting must be determined by the IEP team. If your child is placed in an alternative setting for weapon or drug use, the IEP team must review and modify, if necessary, your child's behavioral intervention plan to address the behavior. If a functional behavioral assessment was not conducted and a behavioral intervention plan developed, the IEP team must meet to develop a plan. If you seek a due process hearing, your child remains in the alternative setting pending the hearing.

Bus Suspension

A student may be suspended from the bus in excess of ten days for safety reasons. However, any suspension from transportation resulting in the student's inability to attend his/her ordinary school program is a suspension from school. If the school district suspends a student from the bus for more than ten days and the student is unable to attend school, this would be considered a change in placement.

CONFLICT RESOLUTION

Even when you and the school district try your best to come up with the right services and placement for your child, there may still be disagreements. Examples are

- Is an evaluation or reevaluation needed?
- What tests/procedures should be used?
- Does your child have a disability and, if so, which disability?
- What program and related services are needed and in what amounts?
- Is your child's program working or not?
- What class and school is needed to help your child learn?

When you disagree with the school's decision about the student's educational program or feel that your child's rights have been violated, conflict resolution procedures are available to assist you and the district.

The steps you can take to ***informally*** resolve issues with local school district personnel include the following:

- Talk informally with the school staff, principal, superintendent, or director of the special education cooperative.
- If you disagree with the identification and/or evaluation, you can request another eligibility meeting or you can request an independent educational evaluation at public expense.
- If you disagree with the educational placement or services, you can request an IEP meeting to discuss the issues. *(In order for your child's placement to remain the same while you try to resolve your disagreement, you must request a due process hearing within ten (10) calendar days of receiving the notice of intent to change the placement.)*

If informal talks with the school personnel do not resolve the conflict and you feel that a more formalized action is necessary, the following options are available:

- **Complaint Investigation,**
- **Mediation,**
- **Due Process Hearing.**

COMPLAINT INVESTIGATION PROCESS

If you believe that the local school district has not complied with the law or that one of your or your child's educational rights have been violated, a complaint can be filed with the Illinois State Board of Education. A letter of complaint should be submitted to:

Illinois State Board of Education
Division of Program Compliance
100 North First Street
Springfield, Illinois 62777-0001

Preparing the Letter of Complaint

When preparing the letter, you should include the following information:

- a statement detailing the alleged violation(s) and the facts on which the statement is based
- student information:
  - student's name
  - parent/guardian name
  - mailing address
  - daytime telephone number, and
  - name of student's resident school district.

Required Actions of the Illinois State Board of Education

The Illinois State Board of Education will send you and the local school district written notice within 10 days of receipt of the written complaint. The notice should include one or more of the following:

- nature of the complaint that has been received,
- confirmation of any action to be taken through informal contact with the school district,
- confirmation that the situation has been resolved.

Resolution of the Complaint

If the Illinois State Board of Education is unable to resolve the issue(s) within 10 days of receiving the complaint, a full investigation will be conducted to gather additional information and/or make an on-site visit, if necessary. This investigation will be completed within 60 calendar days unless circumstances require an extension of time to properly investigate and resolve the complaint. Following the investigation, the Illinois State Board of Education will provide you and the local school district with written notification regarding:

- the findings,
- the specific action to be taken to reach compliance, if necessary, and
- the time by which the action must be taken, if necessary.

If the local school district or the special education cooperative does not verify compliance with the Illinois State Board of Education, additional enforcement proceedings may begin.

If you disagree with findings of this investigation, you may request that the final decision be reviewed by the United States Department of Education. You may write a letter to the United States Department of Education, Federal Office Building 6, Room 4181, 400 Maryland Avenue, S.W., Washington, D.C., 20202.

If you want to learn more about the complaint process, you may contact the Division of Program Compliance, Illinois State Board of Education, at 217/782-5589.

MEDIATION PROCESS

If you have unresolved concerns regarding the appropriateness of the special education program and related services provided to your child, you may request mediation. Mediation is a voluntary process in which both parents and school district personnel meet to resolve disputes with the help of a trained mediator. In mediation, both you and the local school district are brought together to discuss and consider alternative solutions to the issue, your child's capabilities, and the concerns and problems expressed by the other party. Mediation is designed to resolve issues without going to the often more expensive and more formal due process hearing. This service is provided by the state at no cost to you or the local school district.

Procedures

★ Mediation is conducted by an impartial mediator. A trained mediator, provided by the Illinois State Board of Education, will establish the issue(s), determine points of agreement, and offer suggestions for resolution of the disagreement(s).

★ Mediation requires the full participation of both parties. Mediation activities can only occur if both parties agree to participate and will end if either party chooses to end the activity.

★ Mediation cannot force either party to take an action. A mediator does not have the authority to require any action by either party. Thus, if you or the local school district are unhappy with the suggestions and unwilling to take suggested actions, there is no legal requirement that you do so.

★ Mediation is conducted in complete confidentiality and will not be used for any other purpose. The only record kept of the mediation will be a listing of participants; the dates, times, location of mediation sessions; and a summary of the outcome. Discussions held at mediation meetings will not be transcribed and cannot be used by either party in a due process action. Documentation that a mediation occurred and the terms of the agreement are the only evidence that may be presented at a due process hearing.

★ Mediation must include those persons who have the authority to act on behalf of the student and the local school district. Participants may be only those persons who have the legal responsibilities for the student and the school. Typically, mediation activities are limited to three persons, per side, to support face-to-face discussion and resolution.

If you want to request a mediation or learn more about the mediation process, you may contact the mediation coordinator, Division of Program Compliance, Illinois State Board of Education, at 217/782-5589.

DUE PROCESS HEARING

A due process hearing is an administrative hearing held to settle disagreements between you and the school district. You, or your child when he/she reaches the age of eighteen (18), have the right to ask for a due process hearing regarding the district's proposal to or refusal to:

- identify,
- evaluate,
- educationally place, or
- deliver services in any aspect.

In addition, the school district may request a due process hearing for the following reasons:

- To obtain parental consent for an evaluation or reevaluation or to prove that the district's evaluation was appropriate,
- To obtain parental consent for initial special education placement, and
- To move a student to an interim alternative educational setting for up to 45 days for behavior believed to be dangerous to the student or to others.

You should always try to resolve the issues ***informally*** with the school district before requesting a formal hearing.

Rights of the Parties

When a due process hearing is requested by either the parent or the local school district, ***both parties*** have the following rights:

- The right to have legal representation and/or other persons having knowledge of the rights of children with disabilities;
- The right to prohibit the introduction of evidence that has not been disclosed at least five days before the hearing;
- The right to present evidence, confront, and call witnesses;
- The right to have a verbatim record of the hearing;
- The right to obtain a written decision ten (10) days after the conclusion of the hearing;
- The right to appeal the decision in court.

The ***student*** has the following rights during the hearing:

- to be placed in school, if not yet admitted, with your consent and
- to remain in his/her current placement unless you and the school district agree otherwise.

The ***parent*** is given the following additional protections under the law when involved in a due process action:

- The right to be informed of the procedures to request a due process hearing;
- The right to be informed of free or low-cost legal services and/or advocacy services in your community;
- The right to see a statement of the qualifications of the hearing officer;
- The right to inspect and obtain copies of all educational records maintained by the school district;
- The right to obtain, at public expense, an interpreter for the deaf or of the primary language of your home;
- The right to have your child present at the hearing;
- The right to request that the hearing be open to the public; and
- The right to recover reasonable attorney's fees if the parent prevails in a hearing or court action.

Requesting a Due Process Hearing

If you request a due process hearing, it must be in writing and sent to your local school district superintendent. A hearing can be requested at any time for any reason and cannot be denied by the school district. The letter (see sample letter in *Section 13*) should include the following information:

- the name, address, and birthdate of your child;
- your name, address, and phone number;
- where your child attends school;
- the reason/issue(s) for the hearing request and the remedy being sought; and
- if known, whether or not legal counsel will be used.

Failure to provide this information could result in a reduction of attorney fees should you prevail in the due process hearing. The superintendent must submit the request to the Illinois State Board of Education within five (5) days of receiving the request. Be sure to keep a copy of your request for your records.

Required Actions of the Illinois State Board of Education

Within five (5) days of receiving the request for a due process hearing, the Illinois State Board of Education will appoint a hearing officer and will provide written notice to you and the school district. Both you and the district will be permitted to request one hearing officer substitution. You must request a substitution, ***in writing***, within five (5) days of receiving notice of the hearing officer appointment.

The Illinois State Board of Education will provide you with a written copy of your pre-hearing and hearing rights. If you do not understand these rights, you may ask the hearing officer to verbally explain them to you.

Responsibilities of the Hearing Officer

Within five (5) days of receiving written notice of the appointment, the hearing officer will contact you and the school district to set up a time and place for the pre-hearing conference and hearing. The hearing officer will provide you with written notice of the dates, times, and locations at least ten (10) days before the pre-hearing conference and the due process hearing.

You and/or the school district may request a delay in convening the pre-hearing conference and/or the hearing. This request must be made, ***in writing***, to the hearing officer with a copy sent to the other party. The request must state the reasons for the delay. The hearing officer will inform both parties of the decision to grant or deny the request.

Once appointed, the hearing officer shall have no contact with the Illinois State Board of Education concerning the hearing. The hearing officer will not initiate or participate in any communications ***alone*** with you or the school district regarding the issues of the hearing.

Preparing for the Hearing

1. ***Decide about getting help.***

   Because hearings can be complicated and difficult, you may want to ask someone, an advocate or attorney, to help you get ready for the hearing and/or attend the hearing with you. You do not have to have an advocate or attorney, but oftentimes it is helpful. Here are some places to get help:

   - ❖ The school can give you a list of places to get free or low-cost legal services; ask for this list.
   - ❖ Many groups and agencies are listed in the back of this booklet.

2. ***Review documentation.***

   There are several things that you and/or your advocate may want to do before the hearing:

- ❖ Review the procedures for due process hearings in *23 Illinois Administrative Code 226, Subpart J: Impartial Due Process Hearings* and *the Illinois School Code (105 ILCS 5/14-8.02a and 5/14-8.02b).*

- ❖ Review your child's educational records.

- ❖ Determine specifically what the issue(s) of disagreement are between you and the school district.

- ❖ Determine what issues you and the school district can agree on through mediation or at the pre-hearing conference.

3. ***Collect evidence.***

At the hearing, you will be trying to prove to the hearing officer that you are right and the school will be trying to prove that it is right. You will need evidence or exhibits to show to the hearing officer such as:

- reports
- samples of your child's work
- records
- letters
- notes
- pictures

The evidence/exhibits can come from your own records, from the school, or from someplace outside of the school such as a hospital or day care center. Each exhibit should be labeled (e.g., student exhibit #1, student exhibit #2, etc.). You should make three copies of the exhibits, one for you, one for the school district, and one for the hearing officer. The district and the hearing officer must receive the evidence you intend to submit at the hearing at least five (5) days before the hearing. If the exhibits are not received by the other party and the hearing officer at least five (5) days before the hearing, you cannot show the exhibits at the hearing.

The school district must also provide you a copy of its evidence/exhibits at least five (5) days before the hearing. You should review this evidence and decide what questions(s) you want to ask at the hearing regarding the evidence.

4. ***Prepare for witnesses.***

Each party may present witnesses and ask questions of the other party's witnesses. You should prepare a list of witnesses that you intend to call and decide what questions you want to ask them. Witnesses can be:

- friends or relatives
- an expert
- school staff
- someone outside the school who has worked with your child

The school district and the hearing officer must receive your list of witnesses at least five (5) days before the hearing. The school district must also provide you with a list of witnesses the district intends to call at least five (5) days before the hearing. You should review the district's list of witnesses and decide what question(s) you want to ask at the hearing.

During the Pre-Hearing Conference

A pre-hearing conference will be held no later than 14 days before the scheduled day of the due process hearing. The hearing officer will provide you with written notice at least 10 days before the conference. The purpose of the pre-hearing conference is to determine:

- the issues,
- the order of presentation,
- accommodations needed,
- the relevance and need for the evidence/exhibits and witnesses, and
- facts you and the school district have agreed upon.

You and a school district representative may participate in the pre-hearing conference by teleconference. At this conference, both you and the school district shall tell the hearing officer (1) whether you will have an attorney at the hearing; (2) the issue(s) of the dispute and the specific relief being sought; (3) if there are any additional evaluations for your child; (4) a list of all evidence/exhibits; and (5) the names of all witnesses you intend to call.

During the Hearing

The hearing officer will

- introduce the parties,
- review the ground rules for conducting the hearing,
- restate any agreements or rulings entered prior to the hearing, and
- restate the issue(s) as determined at the pre-haring conference.

You and the school district will

- present opening statements (these should be brief and include the desired outcome),
- present witnesses and cross-examine witnesses,
- present evidence/exhibits, and
- present summary statements.

The hearing officer will inform you of the timeline for receiving a written decision, the right to request clarification, and the right to appeal the decision. A written decision should be sent to you within ten (10) days after the hearing. The hearing officer's decision is binding unless

appealed by either you or the school district. Unless there was a request to delay the hearing, a decision should be made no later than 45 days after the request for a hearing was received by the district.

Under specific conditions, when there is a need to move a student to an interim alternative educational setting because of alleged misconduct believed to be dangerous to the student or others, a hearing may be conducted in an expedited manner with the decision rendered within 10 days of the date of the request. An expedited hearing may also be requested by the parents if they disagree with the district's manifestation determination (the relationship between the alleged misconduct and the student's disability). The procedures governing expedited hearings can be found in Section 14/8.02b of the Illinois School Code.

Appeal to the Court of Law

If you disagree with the hearing officer's decision, you have a right to appeal the decision in court. The appeal must be filed within 120 days after a copy of the decision was mailed to you and the school district. During the court proceedings, unless you and the district agree to a change, your child shall remain in his/her current educational placement, continue in his/her eligibility status, and/or continue with the same special education and related services.

Recovery of Attorney Fees

The *Handicapped Children's Protection Act of 1986* provides for the recovery of attorney fees. A parent who prevails in either a hearing or court action may recover reasonable attorney fees subject to limitations. It is advisable that prior to proceeding to a hearing, you thoroughly discuss with an attorney the question of cost and the applicability of this law.

SCHOOL RECORDS

Schools keep many records about exceptional students. These records contain a lot of personal and private information about your child. Two types of school records are:

"Student Permanent Record":

Basic personal and educational information.
(See *Section 14* for specific examples.)

"Student Temporary Record":

All information not required in the student permanent record including any special education information and reports. (See *Section 14* for specific examples.)

Your Child's Records

As a parent, you have the right to see and read any educational record the school keeps on your child. You may want to familiarize yourself with the contents of your child's school record. You may also have someone else - a friend, relative, or advocate - look at the records with you.

You have a right to:

- Inspect all information contained in your child's school records *(not including personal notes of school staff, provided the notes are not shared with other persons).*
- Copy all information contained in your child's school records. The school may charge for these copies as long as the fee does not prevent you from inspecting the records.
- Receive an explanation of the contents by a qualified professional.
- Inspect and review the records within 15 days of your request.

You should review your child's records

- Before your child transfers to another school,
- Before you participate in a special education meeting,
- Before you participate in a special education impartial due process hearing.

Confidentiality

Your child's school records should be kept ***confidential***. This means that they can be read or used only by school staff members who have a good reason for seeing them. School records cannot be shown or sent to people outside the school without your written consent ***except for the following reasons***:

- ✓ To a person having your dated, written request;
- ✓ For use as "directory information";
- ✓ To employees/officials of the school district or the Illinois State Board of Education having an educational or administrative interest in your child;
- ✓ To the official records custodian of another school, within or outside of Illinois, in which the student has enrolled or intends to enroll, upon the request of the student or school records custodian;
- ✓ For research purposes, provided that you or your child cannot be identified from the information released;
- ✓ Pursuant to a court order *(you must be given prompt, written notice of the terms of the order, the information released, and the opportunity to inspect, copy and challenge this information)*;
- ✓ In an emergency where knowledge of such information is necessary to protect the health and safety of your child or other persons;
- ✓ To any person required by state or federal law.

Challenging Your Child's Records

There may be times when you wish to change information in your child's school records. You may want to have something added, deleted or modified. Before you ask the school to do any of these things, you should be able to explain why you think there is a problem and put your request(s) in writing to the school district. You should

- ✦ be sure that you fully understand what the records say- ask someone at the school or outside the school to go over the records with you;
- ✦ talk to the school principal or district superintendent about the problem;
- ✦ discuss the problem with the director of the special education cooperative;
- ✦ write a letter about what you want - and ask for a written answer.

If the problem still is not resolved to your satisfaction, you may request a ***Records Hearing*** through your local school district to resolve the issues. *(This is not a due process hearing.)*

No matter what is decided at the hearing, you may put a note or a letter in your child's school record to explain your point of view.

You are unable to challenge (a) your child's academic grades, or (b) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's records are forwarded to another school to which your child is transferring.

Information Provided to Divorced Parents

Unless there is a court order that states a parent may not have access to the child's school records, the school district must, at the request of either parent, furnish copies of all correspondence and reports regarding the child. All correspondence furnished by the school district to one parent must be furnished by mail to the other parent including

- reports or records which reflect the pupil's academic progress and emotional and physical health;
- notices of school-initiated parent-teacher conferences and major school-sponsored events, (i.e. - open houses); and
- copies of the school calendar.

You may have access to your child's records and can challenge their contents until your child reaches 18 years of age. At that time, your child has all of the rights unless:

(a) the court has appointed you as the guardian of your child; or

(b) your child has provided written consent to the school that you may have access to the records.

Filing a Complaint

If any of the above rights are denied, you have a right to file a complaint with

- Your district superintendent,
- The director of the special education cooperative,
- The Division of Program Compliance at the Illinois State Board of Education, or
- The circuit court of the county in which the violation occurred or the court where the school is located.

EARLY CHILDHOOD SERVICES
(Children - Ages 3 through 5)

Your school district is required to provide a free appropriate public education for all children with disabilities who are age 3 through 21. Parents of preschool children who need, or are thought to need, special education and related services have the same rights as other school-age children. Special education and related services must begin on the child's third (3rd) birthday for children served in an early intervention program or for those children referred for an evaluation 60 school days before their third birthday and found eligible.

Transition from Early Intervention

Transition is the process of planning activities for the change from early intervention to preschool education. If your child is receiving early intervention services and it is suspected that your child might have a disability and may be eligible for preschool special education, the following activities should occur:

- One hundred eighty (180) days prior to your child's third birthday, the early intervention service coordinator should schedule a meeting with you and the school district to discuss preschool special education. Your consent is required to share information with the school district.

- If you consent to share information with the school district, you and the other participants at the meeting (early intervention service providers and school district personnel) will review records and determine whether or not your child is suspected of having a disability.

Referral

The evaluation procedures described in *Section 2* apply to preschool children suspected of having a disability which will adversely affect educational performance.

If a preschool child is found eligible for special education or transitions from early intervention, an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) will be developed. If an IFSP is used, it must meet all the content requirements of an IEP and must be developed during a meeting in which the required participants are in attendance. ***The IEP or IFSP must be developed and services must be in effect beginning on the child's 3rd birthday.*** The type, amount and location of special education services provided must be based on the child's needs. The law requires that preschoolers receive their services together with children without disabilities, to the maximum extent appropriate.

EDUCATIONAL SURROGATE PARENT

Students with disabilities, birth through age 21, who have no parent available or who are under the guardianship of the Department of Children and Family Services (DCFS) or the courts must have an educational surrogate parent appointed. The local school district is responsible for requesting the appointment of an educational surrogate parent for eligible students from the Illinois State Board of Education (ISBE).

The educational surrogate parent protects the educational rights of students with disabilities in matters relating to identification, evaluation, and special education placement. The educational surrogate parent has all of the rights and responsibilities of a parent or guardian in regard to the special education process. These rights and responsibilities include

- the responsibility to give informed consent regarding the initiation of a case study evaluation or reevaluation of the student,
- the right to be included and to participate in the Eligibility Conference and the Individualized Education Program (IEP) meeting,
- the right to give informed consent regarding the student's initial placement in a special education program,
- the right to be notified of any changes in the student's special education placement,
- the right to initiate and to access the due process system,
- the right to be kept informed regarding the student's educational progress,
- the responsibility to comply with all state and federal confidentiality requirements,
- the responsibility to help determine and then advocate for the best educational interests of the student,
- the right to see and read any educational records the school keeps on the student (See School Records *Section 7*),
- the right to sign consent for the release of educational records.

MEDICAID

The Illinois State Board of Education (ISBE) and the Illinois Department of Public Aid (IDPA) have signed an agreement to allow local education agencies to access federal Medicaid dollars. Local school districts and special education cooperatives may file claims with the IDPA for Medicaid-eligible school-based special rehabilitation services that they provide to Medicaid-eligible students with disabilities.

Parent Consent/Student Records

To receive Medicaid funding, the school district does not need your consent provided that you ***(1)*** are informed that such information is being released by the school and ***(2)*** are given the opportunity to request the information not be released (23 Illinois Administrative Code 375.80).

The information your school district provides to the Illinois Department of Public Aid is subject to the Illinois School Student Records Act (105 ILLS 10/1 et seq.). This information includes your child's name, the types of services provided, and the dates of services. Such information is the type of directory information that your school may release without your consent.

Notification of your school district's intent to access Medicaid may be included in the district's directory policy information (such as a parent handbook) or they may send you a letter. The school district must assure that the information provided to the IDPA is covered by the directory information notice given to you as specified in 23 Illinois Administrative Code 375.30.

Confidentiality

The names of persons receiving public assistance, the names of children with disabilities receiving special education and related services, and the names of families/children receiving early intervention services are **confidential**. Educational records of Medicaid-eligible children with disabilities are protected by the Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act.

When confidential information is exchanged between your school district, the special education cooperative, the Illinois State Board of Education, and the Illinois Department of Public Aid, the following rules apply:

- The confidential nature of the information must be preserved.
- The information provided must be used only for the purposes for which it was made available.
- An assurance is provided that proper steps will be taken to safeguard the information.

- Access to such information shall be limited to personnel who require the information to perform their duties or for whom access is permitted by law.

Assurances

The Illinois Department of Public Aid has made a letter available to parents stating that:

- Children with disabilities, who are eligible for Medicaid, may participate in this program which allows the local school district to bill Medicaid for healthcare services provided to the students at school. The services must be eligible for benefit payments by Medicaid.

- Your child's Medical Assistance will not be reduced if the school district bills Medicaid for services included in your child's IEP or IFSP.

- Careful attention is given to safeguarding confidentiality. Information that is provided will be used only for the purpose for which it was made available and only personnel who require the information to perform their duties will have access to it.

THE STATE ADVISORY COUNCIL FOR THE EDUCATION OF CHILDREN WITH DISABILITIES

The State Advisory Council for the Education of Children with Disabilities is responsible for advising the Governor, the General Assembly, and the State Board of Education on the educational needs of students with disabilities in Illinois. The Council meets about six times a year. At each meeting, the Council is available to hear public testimony from parents, educators, and administrators about the unmet needs of students with disabilities.

If you are interested in attending an Advisory Council meeting or providing either written or oral testimony, you may contact:

The State Advisory Council for the Education of Children with Disabilities
c/o Illinois State Board of Education
100 North First Street
Springfield, IL 62777-0001

SPECIAL EDUCATION RULES AND REGULATIONS

A child with a disability is entitled to receive a free appropriate public education. This means that special education and related services must be available and be specifically designed to meet the unique needs of the child. The following state and federal laws and regulations guarantee that a child with a disability has an equal opportunity to benefit from public instruction.

- Individuals with Disabilities Education Act (IDEA), P.L. 101-476, formerly The Education for All Handicapped Children Act, P.L. 94-142
- 34 Code of Federal Regulations Part 300 (the implementing regulations for IDEA)
- Section 504 of the Rehabilitation Act of 1973
- The School Code, Article 14
- 23 Illinois Administrative Code 226 (implementing regulations for the School Code, Article 14)
- 23 Illinois Administrative Code 226 Part 375 (student records)
- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Family Education Rights and Privacy Act (FERPA)
- Education Department General Administrative Regulations (EDGAR) (34 CFR 76)
- 23 Illinois Administrative Code 226 Part 210 (private schools)

Public Law 101-476 (IDEA)

The Individuals with Disabilities Education Act (IDEA) is a law that was originally passed in 1975 by the United States Congress guaranteeing all children and youth (ages 3 through 21) with disabilities receive a free appropriate public education (FAPE). IDEA also ensures that the rights of children and youth with disabilities and their parents are protected. ***(This booklet, A Parents Guide: The Educational Rights of Students with Disability, describes the rights of students under the IDEA.)***

Public Law 99-457 (Early Intervention)

In 1986, P.L. 99-457 was passed authorizing states to establish early intervention programs for infants and toddlers with disabilities and their families. The focus is to provide services to infants and toddlers, ages birth through 2, during the most critical developmental period. ***(For more information, you may contact the Division of Early Childhood Education, Illinois State Board of Education, 100 North 1st Street, Springfield, IL 62777-0001.)***

Section 504 of the Rehabilitation Act of 1973

Section 504 was the first federal Civil Rights Law to protect the rights of people with disabilities. It prohibits discrimination in:

- the education of students with disabilities
- vocational education programs
- college programs and other post-secondary education programs

- employment
- health, welfare, and other social service programs; and
- other programs and activities that receive federal funds.

Section 504 requires an evaluation to determine whether or not your child meets the criteria to be eligible for services under Section 504. If your child is eligible for services under Section 504, the school district is required to provide an appropriate education. This may mean modifying the regular education program and providing any necessary services. These services might include reducing the amount of required work, completing fewer assignments in a shorter period of time, providing more visual instruction, and/or developing behavioral interventions.

This legislation is relevant to schools because all schools receive federal funds. Therefore, they cannot exclude or discriminate against children and adolescents on the basis of a disability. Schools are required to (a) have written policies and procedures regarding Section 504 and (b) make reasonable accommodations to make programs accessible to children with disabilities. You may contact your local school district administrator regarding Section 504 issues. ***(For more information about Section 504, you may contact the Office of Civil Rights, U.S. Department of Education, 111 North Canal, Chicago, IL 60606.)***

A Special Note about ADD/ADHD

ADD (attention deficit disorder) and ADHD (attention deficit with hyperactivity disorder) are not disabilities defined or referenced in P.L. 101-476. Therefore, a child with such a diagnosis is not automatically eligible for special education services. Some children who have significant learning problems because of ADD or ADHD, however, may meet the definitions of one of the disabilities described in Section 3. A case study evaluation and eligibility conference would be necessary to determine your child's specific disability. Children with ADD or ADHD who do not meet the eligibility criteria of any of the disabilities in P.L. 101-476 may be entitled to the services and legal protections described in Section 504 of the Rehabilitation Act of 1973.

Americans with Disabilities Act (ADA)

The ADA, passed in 1990, gives civil rights protections to individuals with disabilities. More specifically, it mandates equal opportunity for persons with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunication. ***(For more information about ADA, you may contact the Office of Civil Rights, U.S. Department of Education, 111 North Canal, Chicago, IL 60606.)***

REQUESTING (REFERRAL FOR) A CASE STUDY EVALUATION AND/OR REEVALUATION
(SAMPLE LETTER)

(Your Address)
(Your Phone Number)
(Date)

Mr./Ms. _____
(Superintendent or Principal)

District Address

Dear_____(Name)_____:

I am the parent of _____, whose date of birth is _____, and who is a student in the _____ grade/school.

I am referring my child for a special education case study evaluation/reevaluation for the following reason(s):

(List your reasons here.)
1.
2.
3.
4.
5.

I understand that if the school district accepts my referral request, the district must obtain my consent prior to conducting the case study evaluation/reevaluation. I also understand that this letter starts the 60-school-day timeline.

Finally, I understand that if the school district turns down my request, the district will provide me with a written explanation of the reasons for not conducting a case study evaluation/reevaluation.

Thank you.

Sincerely,

(Your Name)

(THIS LETTER MAY BE HANDWRITTEN)

REQUESTING AN INDEPENDENT EDUCATIONAL EVALUATION
(SAMPLE LETTER)

(Your Address)
(Your Phone Number)
(Date)

Mr./Ms. _____
(Superintendent)

District Address

Dear_____(Name)_____:

I am the parent of _____, whose date of birth is _____ and who is a student in the _____ grade/school.

I am requesting that the school district agree to pay for an independent evaluation of my child. I believe the district's evaluation was not appropriate because: (*examples*: it did not identify the specific special education needed to help my child; it did not use the correct evaluation instruments; it has not helped develop an appropriate program for my child)

(List your reasons here.)
1.
2.
3.
4.
5.

I understand that if the school district turns down my request, the district must immediately request a due process hearing. I would appreciate it if you would contact me at your earliest convenience to let me know whether the independent evaluation will be provided or when the hearing will be scheduled.

Thank you.

Sincerely,

(Your name)

(THIS LETTER MAY BE HANDWRITTEN)

REQUESTING AN IEP REVIEW
(SAMPLE LETTER)

(Your Address)
(Your Phone Number)
(Today's Date)

Mr./Ms._____
(Principal or Counselor)
(Name of School)
(Address of School)

Dear_____(Name)_____:

I am the parent of _____, age _____ _____,
who is a student in grade _____ at _____
School. I think that there should be a change in my child's Individualized Education Program. I am asking for a meeting to talk about this and to consider changes in the IEP.

Please let me know when the meeting will be held.

Thank you.

Sincerely,

(Your name)

cc: Principal of School

(THIS LETTER MAY BE HANDWRITTEN)

REQUESTING A DUE PROCESS HEARING
(SAMPLE LETTER)

(Your Address)
(Your Phone Number)
(Date)

Mr./Ms._____
(Superintendent)
District Address

Dear_____(Name)_____:

As provided for under Public Law 101-476 and the special education rules for Illinois, I am requesting a due process hearing on behalf of my *(son/daughter/ward)* _____, whose birthdate is _____. My child currently attends _____ school.

The hearing is requested to resolve differences over *(state the specific reasons for the request)* and I will be requesting that the hearing officer order the following remedy *(be specific)*

_____
_____
_____
_____
_____
_____

Please contact me at (phone number)_____ if you have any questions or want more information.

Thank you.

Sincerely,

(Your name)

Enclosure: *(Due Process Request Form)*

(THIS LETTER MAY BE HANDWRITTEN)

PARENT DICTIONARY

On the next several pages, you will find definitions for a number of words often used by the people who work with children with disabilities. Different school districts and educators may use these words in somewhat different ways.

Accommodation - learning to do things differently from other students because of a disability or impairment. An example of "accommodation" is the visually impaired student who reads by listening to a recording of a textbook.

Advocacy - agencies or individuals acting on behalf of themselves or others.

Annual Goal - a statement in an IEP of what a student needs to learn and should be able to learn in his/her special education program within a year.

Annual Review - a review of a student's special education program each year which includes an update of the student's progress, a review of the current IEP, and development of a new IEP for the upcoming year.

Appeal - a written request for a court to review or change the decision of a hearing officer.

Assessment - a way of collecting information about a student's special learning needs, strengths, and interests to help make educational decisions. An assessment may include giving individual tests, observing the student, looking at records, and talking with the student and his/her parents.

Behavioral Intervention - a method or technique used to influence a student's actions.

Behavioral Intervention/Management Plan - a written plan developed as part of the IEP to address a serious behavioral problem. It is based on a functional analysis of the student's behavior, describes the interventions to be used, methods of evaluation, and provisions for coordinating with the home.

Case Study Evaluation - collecting information about a student and any problems that may affect his/her educational development for the purpose of determining eligibility for special education and related services. The evaluation may include giving individualized tests, observing the student, looking at records, and talking with the student and his/her parents.

Claim - the written or electronically submitted request for payment of benefits for Medicaid-covered services that have been provided to students.

Complaint - the written action taken to notify the state education agency that special education regulations are not being followed.

Confidential - being careful and using good judgment in reporting only the information that is educationally relevant about a student when disclosing personal information to school personnel and others.

Consent - a voluntary agreement by the parents to let the school take an action which affects their child's education. Consent is shown by the parent signing a form or letter which describes the action the school wants to take.

Current Levels of Functioning - statements on a Eligibility Conference Summary Report that describe test scores and evaluation results.

Directory Information - data that may be released to the general public unless a parent requests that any or all information not be released. The information shall be limited to parent name(s) and address(es), student name, address, gender, grade level, birth date, birth place, academic awards, degrees, honors, participation in school-sponsored activities, major field of study, and period of attendance in school.

Disability - a problem or condition that makes it hard for a student to learn or do things in the same way as most other students. A disability may be short-term or permanent.

Due Process - a legal term that assures that persons with disabilities have the right to challenge any decision made on their behalf.

Due Process Hearing - a formal meeting held to settle disagreements between parents and schools in a way that is fair to the student, the parents, and the school. The meeting is run by an impartial hearing officer.

Duration - the length of time a student will need a special program or service during the school year or extended school year, as documented on the IEP.

Early Childhood - programs and services provided to children with disabilities from age 3 through 5.

Early Intervention - programs and services provided to infants and toddlers with disabilities from birth through age 2.

Educational Surrogate Parent - a person who protects the educational rights of a student with disabilities who has no parent/guardian available or who is under the guardianship of the Department of Children and Family Services (DCFS).

Eligibility Conference - a conference held to determine, review, terminate, or consider changes in a student's eligibility for special education.

Eligibility Conference Summary Report - a written report containing a summary of the results of the case study evaluation and the determination of eligibility for special education.

Eligible - a decision that determines a student meets the requirements for and is in need of special education and related services. The decision is based on the results of the case study evaluation and the conclusions reached at the eligibility conference.

Evaluation - see assessment.

Free Appropriate Public Education (FAPE) - the words used in the federal law (IDEA) to describe the right of a student with disabilities to receive special education and related services which will meet his/her individual learning needs, at no cost to the parents.

Hearing Officer - an impartial person in charge of a due process hearing who issues a written decision based upon the evidence and witnesses presented at the hearing.

Independent Educational Evaluation - an assessment conducted by someone who is not employed by the school district. The person(s) completing the assessment must be fully trained and qualified.

Individualized Education Program (IEP) - the written educational plan for a student receiving special education and related services with goals and objectives to be attained during a calendar year.

Individualized Education Program (IEP) Conference - a meeting held to develop, review, and consider changes in a student's special education and related services and educational placement.

Individualized Family Service Plan (IFSP) - a written plan for eligible children aged birth through 2 receiving early intervention services.

Initiation Date - the date, month, and year in which a program or service will begin as documented on the IEP.

Least Restrictive Environment (LRE) - the requirement that children with disabilities shall be educated to the maximum extent possible with children who do not have disabilities.

Mediation - a process in which parents and school personnel try to settle disagreements with the help of a trained mediator provided by the Illinois State Board of Education.

Medicaid - a federal-state public medical assistance program administered by the Illinois Department of Public Aid that enables eligible recipients to obtain medical benefits outlined within the state Medicaid guidelines.

Placement - the identification of special education and related services and development of an instructional program and setting for a student.

Present Levels of Performance - statements in an IEP that specifically describe what a student can or cannot do.

Positive Intervention - a reinforcer (e.g., praise, positive points, tokens) provided in order to increase the frequency of the response (e.g., praising a student for cooperative turn-taking).

Reevaluation - an assessment that occurs every three years, or more if needed, to determine continued eligibility for special education.

Referral - the process of requesting that a student be evaluated for special education and related services. Any concerned person may refer a student, including teachers, principals, parents, other agency personnel, or the student.

Related Services - support services needed by a student in order to benefit from special education services. These may include transportation, occupational therapy, physical therapy, speech/language therapy, school social work services, etc.

School Day - any day that the school district administration office is open and school business is being conducted.

Screening - a review of all children in a given group to identify those students who may need a case study evaluation to determine the need for special education.

Short-Term Instructional Objectives/Benchmarks - statements in an IEP that describe small steps a student must learn or master before he can reach the "annual goals" set for him/her.

Student Permanent Record - file that includes the following information: parent name(s) and address(es), student name, address, birthdate, birth place, gender, transcripts, grades, class rank, graduation date, grade level achieved, scores on college entrance exams, attendance reports, accident reports, health records, release of information forms, honors/awards received, and participation in school-sponsored activities and events.

Student Temporary Record - file that includes, but is not limited to, family background information, intelligence test scores, aptitude test scores, special education evaluations, achievement level test results, participation in extracurricular activities, disciplinary information, eligibility conference summary reports, IEPs, reports or information from non-educational persons or agencies, and other information of relevance to the education of the student.

Suspension - removal from school programs by administrative action for gross disobedience or misconduct.

LEGAL OR ADVOCACY ASSISTANCE

This listing includes many resource centers that provide legal or advocacy services to families of children with disabilities, usually free or at low cost to the client. Upon request, your school district will provide you with local information regarding free or low-cost legal services.

The Secretary of State provides a complete list of disability resource information called, *Special Services Guide for Persons with Disabilities and Parents of Children with Special Needs*. For more information regarding this list, you may contact 1-800-252-2904.

LOCAL SERVICES

ALTON 62002
Impact Inc.
2735 E. Broadway
618/462-1411
618/474-5308 (TDD)

ALTON 62002-5099
(Metro East Regional Office)
Guardianship & Advocacy Commission
Pine Cottage
4500 College Avenue
618/462-4561

ALTON 62002
Land of Lincoln Legal Assistance Foundation, Inc.
413 East Broadway
618/462-0029
1-800-642-5570

ANNA 62906-1669
(Egyptian Regional Office)
IL Guardianship/Advocacy Commission
#7 Cottage Drive
618/833-4897

BELLEVILLE 62220
Living Independently Now CIL (LINC)
120 E. "A" Street
618/235-9988
618/235-0451 (TDD)

BLOOMINGTON 61701
Living Independence for Everyone (LIFE)
1328 E. Empire
309/663-5433 V/TDD
888/543-3245 (Toll Free)

BLOOMINGTON 61701
Prairie State Legal Services, Inc.
102 North Center, Suite 405
309/827-5021
1-800-874-2536

BLUE ISLAND 60406
South Side Parents Advocacy
13024 Division
708/396-3701

CANTON 61520
West Central Illinois Legal Assistance
700 East Oak
309/647-4547

CARBONDALE 62903
Southern Illinois CIL
100 N. Glenview, P.O.Box 627
618/457-3318 V/TDD

CARBONDALE 62901
Southern Region
Equip for Equality, Inc.
103 South Washington, Suite 202
618/457-3304
1-800-775-3304

CAROL STREAM 60188
Prairie State Legal Services, Inc.
350 South Schmale Road, Suite 150
630/690-2130
1-800-690-2130

CHAMPAIGN 61824-1278
Land of Lincoln Legal Assistance Foundation, Inc.
1817 South Neil, Suite 203
P.O. Box 278
217/356-1351
1-800-747-5523

CHICAGO 60607
Access Living
310 S. Peoria, Suite 201
312/226-5900
312/226-1687 (TDD)

CHICAGO 60602
Chicago Lawyer's Committee for Civil Rights
100 North LaSalle St , Suite 600
312/630-9744

CHICAGO 60603
(Northeastern Region)
Equip for Equality, Inc.
11 East Adams, Suite 1200
312/341-0022
1-800-537-2632

CHICAGO 60601-3103
IL Guardianship/Advocacy Commission
State of Illinois Building
160 North LaSalle, Suite S-500
312/793-5900

CHICAGO 60610
IL Headstart Handicap Services Advocacy Effort
Chicago Department of Human Services
Children Services Division
500 North Peshtigo Court
312/744-1784 -or- 312/744-1793

CHICAGO 60604
Legal Aid Bureau
Metropolitan Family Services
14 East Jackson Boulevard, Room 1500
312/922-5625

CHICAGO 60604
Legal Assistance Foundation of Chicago
(125% Poverty Level Only)
343 South Dearborn Street
312/341-1070

CHICAGO 60612
Legal Assistance Foundation
(125% Poverty Level Only)
911 South Kedzie Avenue
773/638-2343

CHICAGO 60611
The Legal Clinic for the Disabled
448 East Ontario
312/908-4463

CHICAGO 60608
National Center for Latinos with Disabilities
1921 South Blue Island Avenue
312/666-3393
1-800-532-3393

DECATUR 62526-9359
(East Central Regional Office)
IL Guardianship/Advocacy Commission
2310 East Mound Road, Unit D
217/875-6185

DECATUR 62525
Land of Lincoln Legal Assistance Foundation, Inc.
132 South Water, 601 Milliken Ct.
P.O. Box 1722
217/423-0516
1-800-747-2099

DECATUR 62526
Soyland Access to Independent Living (SAIL)
2545 Millikin Parkway, #1305
217/876-8888
217/464-1637 (TDD)

DES PLAINES 60016-1565
(North Suburban Regional Office)
IL Guardianship/Advocacy Commission
9511 Harrison Avenue, FA 101
847/294-4264

EAST PEORIA 61614
(Peoria Field Office)
IL Guardianship/Advocacy Commission
5407 North University, Suite 7
309/693-5001

EAST ST. LOUIS 62201
Land of Lincoln Legal Assistance Foundation, Inc.
327 Missouri Avenue, Suite 300
618/271-9140 -or- 618/398-0688

ELGIN 60123
Fox River Valley CIL
730 B West Chicago Street
847/695-5818

EVANSTON 60201
Cook County Legal Assistance Foundation, Inc.
(125% Poverty Level Only)
North Suburban Law Office
828 Davis Street
847/475-3703

FOREST PARK 60130
Program Center
7521 Madison St.
708/209-1500
708/209-1826 (TDD)

GALESBURG 61401
Stone-Hayes CIL
(Business & Technical Center)
39 Paris St.
309/344-1306
309/344-1269 (TDD)

GALESBURG 61401
West Central Illinois Legal Assistance
1614 East Knox
309/343-2141
1-800-331-0617

GLEN ELLYN 60137
DuPage CIL
739 Roosevelt Rd., Bldg. 8
Suite 109
630/469-2300

HARVEY 60426
Cook County Legal Assistance Foundation, Inc.
(125% Poverty Level Only)
South Suburban Law Office
15325 Page
708/339-5550

HINES 60141-7009
(West Suburban Regional Office)
IL Guardianship/Advocacy Commission
Madden Mental Health Center, Pavilion 9
P.O. Box 7009
708/338-7500

JACKSONVILLE 62650
Jacksonville Area CIL
60 Central Park Plaza
217/245-8371

JOLIET 60432
Will County Legal Assistance Program
(125% Poverty Level Only)
63 West Jefferson St., Suite 102
815/727-5123

JOLIET 60435
Will/Grundy CIL
2415 A.W. Jefferson
815/729-0162

KANKAKEE 60901
Options
61 Meadow view Center
815/936-0100
815/936-0132 (TDD)

KANKAKEE 60901
Prairie State Legal Services, Inc.
191 South Chicago Street
815/935-2750
1-800-346-2864

MATTOON 61938
Land of Lincoln Legal Assistance Foundation, Inc.
80 Broadway
P.O. Box 732
217/235-4063
1-800-252-4124

MT. VERNON 62864
Land of Lincoln Legal Assistance Foundation, Inc.
409 Harrison
P.O. Box 1005
1-800-642-3374

MT.VERNON 62864
Opportunities For Access
3300 Broadway, Suite 5
618/244-9212
618/244-9575 (TDD)

MUNDELEIN 60060
Lake County CIL
706 E. Hawley
847/949-4440

MURPHYSBORO 62966
Land of Lincoln Legal Assistance Foundation, Inc.
489 Health Department Road
P.O. Box 424
618/684-2282
1-800-642-5335

OAK PARK 60301
Cook County Legal Assitance Foundation, Inc.
(125% Poverty Level Only)
1146 Westgate, Suite 200
708/524-2600

OTTAWA 61350
Prairie State Legal Services, Inc.
613 LaSalle Street
815/434-5903
1-800-892-7888

PEORIA 61614
Central Illinois CIL
614 W. Glen
309/682-3500

PEORIA 61614-4785
IL Guardianship/Advocacy Commission
5407 North University, Suite 7
309/693-5001

PEORIA 61602
Prairie State Legal Services, Inc.
(100% Poverty Level Only)
414 Hamilton Blvd., Suite 301
309/674-9831
1-800-322-2280

QUINCY 62301
Independence Network Center
406 N. 24th - Durst Bldg.
217/223-0400
217/233-0475 (TDD)

ROCK FALLS 61071
Northwestern Illinois CIL
229 First Ave. #2
815/625-7860
815/615-7863 (TDD)

ROCK ISLAND 61204
(Northwestern Region)
Equip for Equality, Inc.
1612 Second Avenue
309/786-6868
1-800-758-6869

ROCK ISLAND 61204
Illinois/Iowa CIL
P.O. Box 6156
319/324-1460

ROCK ISLAND 61204
Prairie State Legal Services, Inc.
208 - 18th Street, Suite 202
P.O. Box 4863
309/794-1328
1-800-322-9804

ROCKFORD 61103
(Rockford Regional Office)
IL Guardianship/Advocacy Commission
4302 North Main Street
815/987-7657

ROCKFORD 61103-7064
Prairie State Legal Services, Inc.
975 North Main Street
815/965-2902
1-800-892-2985

ROCKFORD 61107
Regional Access and Mobilization Project (RAMP)
202 Market Street
815/968-7467

ST. CHARLES 60174
Prairie State Legal Services, Inc.
10 East State Avenue, Suite 102
630/232-9415
1-800-942-4612

SPRINGFIELD 62702
Springfield CIL
426 W. Jefferson
217/523-2587

SPRINGFIELD 62705
(West Central Region)
Equip for Equality, Inc.
427 East Monroe, Suite 302
P.O. Box 276
217/544-0464
1-800-758-0464

SPRINGFIELD 62704
Family T.I.E.S. Network
830 South Spring Street
P.O. Box 276
217/544-5809
1-800-865-7842

SPRINGFIELD 62705
Land of Lincoln Legal Assistance Foundation, Inc.
730 East Vine, Suite 214
P.O. Box 2206
217/753-3300
1-800-252-8629

URBANA 61801
Persons Assuming Control of their Environment (PACE)
1317 E. Florida, # 27
217/344-5433
217/344-5024 (TDD)

WAUKEGAN 60085
National Center for Latinos with Disabilities
140 South Genesee Street
847/599-0457

WAUKEGAN 60085
Prairie State Legal Services, Inc.
415 West Washington Street, Suite 2
847/662-6925
1-800-942-3940

STATEWIDE SERVICES

CHICAGO 60603
Council for Disability Rights
176 West Adams, Suite 1830
312/444-9484

CHICAGO 60602
Designs for Change
6 North Michigan Avenue, Suite 1600
312/857-9292
1-800-851-8728

CHICAGO 60604
Family Resource Center on Disabilities
20 East Jackson, Room 900
312/939-3513
1-800-952-4199

CHICAGO 60606
U.S. Dept. of Education
Office of Civil Rights - Region V
111 North Canal Street, Room 1053
312/886-8434

CHICAGO 60604
Voices for Illinois Children
208 South LaSalle Street, Suite 1580
312/456-0600

HOMEWOOD 60430
The Arc of Illinois
1820 Ridge Road, Suite 300
708/206-1930

JACKSONVILLE 62651
IL Special Education Legislative Assoc.
P.O. Box 340
217/245-7174

OAK BROOK 60522
National Assoc. for Down Syndrome
P.O. Box 4542
630/325-9112

SPRINGFIELD 62777-0001
Community/Residential Services Authority
100 North First Street, S-100
217/782-2438

SPRINGFIELD 62777-0001
Educational Innovation & Reform
Program Compliance
100 North First Street, E-228
217/782-5589

SPRINGFIELD 62761
Help Me Grow Hotline
535 W. Jefferson
217/785-7275
1-800-323-4769

SPRINGFIELD 62701
IL Child Care Association
300 East Monroe Street, Suite 202
217/528-4409

SPRINGFIELD 62704
IL Planning Council on
Developmental Disabilities
830 South Spring Street
217/782-9696

SPRINGFIELD 62701
(Legal Referral Service Only)
Illinois State Bar Association
424 South Second Street
217/525-1760

SPRINGFIELD 62701
United Cerebral Palsy of Illinois
312 East Adams
217/528-9681

Revised 9/9/98

WORLD-CLASS EDUCATION FOR THE 21ST CENTURY: THE CHALLENGE AND THE VISION

VISION STATEMENT

As we approach the 21st century, there is broad-based agreement that the education we provide for our children will determine America's future role in the community of nations, the character of our society, and the quality of our individual lives. Thus, education has become the most important responsibility of our nation and our state, with an imperative for bold new directions and renewed commitments.

To meet the global challenges this responsibility presents, the State of Illinois will provide the leadership necessary to guarantee access to a system of high-quality public education. This system will develop in all students the knowledge, understanding, skills and attitudes that will enable all residents to lead productive and fulfilling lives in a complex and changing society. All students will be provided appropriate and adequate opportunities to learn to:

- communicate with words, numbers, visual images, symbols and sounds;
- think analytically and creatively, and be able to solve problems to meet personal, social and academic needs;
- develop physical and emotional well-being;
- contribute as citizens in local, state, national and global communities;
- work independently and cooperatively in groups;
- understand and appreciate the diversity of our world and the interdependence of its peoples;
- contribute to the economic well-being of society; and
- continue to learn throughout their lives.

MISSION STATEMENT

The mission of the State Board of Education is to enable all Illinois students to become confident, self-sufficient and productive citizens. To this end, the Board establishes policies that systematically support an everchanging, lifelong learning process. Furthermore, it acts as an advocate, provider, and broker of community, family and state resources and services that ensure the accomplishment of the State's Goals for Learning.

ILLINOIS GOALS

1. Each Illinois public school student will exhibit mastery of the learner outcomes defined in the State Goals for Learning, demonstrate the ability to solve problems and perform tasks requiring higher-order thinking skills, and be prepared to succeed in our society and the workforce. All people of Illinois will be literate, life-long learners who are knowledgeable about the rights and responsibilities of citizenship and able to contribute to the economic and social well-being of our society.

2. All Illinois public school students will attend schools which are safe and free of violence and drugs. Such schools will provide an environment which is conducive to learning and promotes respect among all students and staff.

3. All Illinois public school students will be served by an education delivery system which focuses on student outcomes; promotes maximum flexibility for shared decision making at the local level; and has an accountability process which includes rewards, interventions and assistance for schools.

4. All Illinois public school students will have access to schools and classrooms with highly qualified and effective professionals who ensure that students achieve high levels of learning.

5. All Illinois public school students will attend schools which effectively use technology as a resource to support student learning and improve operational efficiency.

6. All Illinois public school students will attend schools which actively develop the support, involvement and commitment of parents and their community through the establishment of partnerships and/or linkages to ensure the success of all students.

7. Every Illinois public school student will attend a school that is supported by an adequate, equitable, stable and predictable system of finance.

8. Each child in Illinois will receive the support services necessary to enter the public school system ready to learn and progress successfully through school. The public school system will serve as a leader in collaborative efforts among private and public agencies so that comprehensive and coordinated health, human and social services reach children and their families.

Developed by citizens of Illinois through a process supported by the Governor, the Illinois State Board of Education and the Illinois Business Roundtable. Adopted as a centerpiece for school improvement efforts, revised February 1996. Printed by the authority of the State of Illinois.

Illinois State Board of Education

100 North First Street • Springfield, Illinois 62777-0001

Louis Mervis
Chairperson

Glenn W. McGee
State Superintendent

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